S.B. CIVIL MISC. APPEAL NO.872/2006
(Narayan & anr. Vs. M/s.Bhandari Trading Company & anr.)

Date of Order :: 11.09.2006

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.Mahendra Trivedi for the appellants

Heard learned counsel for the appellants and perused the record of the Tribunal.

For quantification of compensation on accidental death of Gautam(19 years), son of the appellants, the Tribunal has taken monthly income of the deceased at Rs. 2,100/-, disbelieving oral assertion of his income at Rs. 3,500/- per month for want of cogent corroborative evidence; has put contribution for the parents at Rs. 1,050/- per month, i.e. half of the estimated income of the deceased; has applied multiplier of 17, though the age of the parents has been shown around 40 years to assess pecuniary loss at Rs.2,14,200/- (1050 x 12 x 17); and has allowed non-pecuniary loss at Rs. 10,000/- and funeral expenses at Rs. 5,000/-.

The Tribunal, if at all, has erred in favour of the appellants and not against them. In the case of unmarried person, having regard to future uncertainties as well as uncertainties, entire of 2/3rd of his income cannot be taken

towards loss of contribution for the parents. Taking of 50% for the purpose of loss of contribution seems very reasonable in the fact situation of the present case. In view of the age of the claimants around 40 years, application of multiplier of 17 is definitely on higher side.

The ultimate award made by the Tribunal in the sum of Rs. 2,29,200/- with interest at the rate of 6% per annum from the date of filing of claim application remains not less than that of just compensation and there is no scope for enhancement. The appeal fails and is dismissed summarily.

(DINESH MAHESHWARI),J.

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